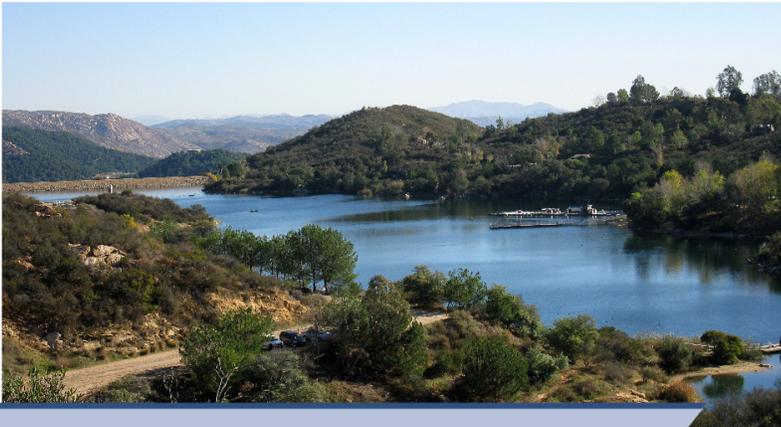


September 2020



RESPONSE TO COMMENTS MEMORANDUM AND MITIGATION MONITORING REPORTING PROGRAM



CITY OF ESCONDIDO

Climate Action Plan Initial Study

PREPARED FOR:



City of Escondido,
City Hall, First Floor
201 North Broadway,
Escondido, CA 92025

Response to Comments Memorandum and
Mitigation Monitoring and Reporting Program
for the

City of Escondido Climate Action Plan Project

Prepared for:

City of Escondido
City Hall, First Floor
201 North Broadway
Escondido, CA 92025

Contact:

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September 2020

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LIST OF ABBREVIATIONS

Caltrans	California Department of Transportation
CAP update	Climate Action Plan Update
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
City	City of Escondido
ESA	federal Endangered Species Act
IS/MND	Initial Study/Mitigated Negative Declaration
MHCP	Multiple Habitat Conservation Program
MMRP	mitigation monitoring and reporting program
RTC	Responses to Comments
SANDAG	San Diego Association of Governments

1 INTRODUCTION

This Response to Comments Memorandum outlines the City of Escondido (City) responses to public comments received on the draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Climate Action Plan Update (CAP update). The draft IS/MND was circulated for a 30-day public review period, from July 1, 2020 to July 31, 2020. Consistent with State CEQA Guidelines Section 15074(d), the City has considered all comments received on the draft IS/MND. CEQA does not require the lead agency to prepare responses to public comments received on a Negative Declaration or MND; however, the City has prepared this document to disclose all public and agency comment received and provide good-faith responses to those comments.

1.1 PROJECT SUMMARY

The CAP update serves as a roadmap for the City to reduce GHG emissions and builds on the 2013 CAP by updating the GHG emissions inventory with a new baseline year and forecasting emissions, consistent with state legislation and executive orders that are aimed at reducing Statewide GHG emissions. This includes AB 32, which established a target of reducing Statewide GHG levels to 1990 levels by 2020; SB 32, which established a mid-term target of reducing Statewide GHG levels to 40 percent below 1990 levels by 2030; and Executive Order S-3-05, which recommends a longer-term statewide GHG reduction goal of reducing emissions to 80 percent below 1990 levels by 2050.

The CAP includes GHG reduction strategies for community level actions and city operations for the following sectors:

- ▶ On-Road Transportation
- ▶ Electricity
- ▶ Natural Gas
- ▶ Off-Road Transportation
- ▶ Solid Waste
- ▶ Water
- ▶ Wastewater

The CAP update also provides a range of adaptation strategies and measures as an additional component to climate action planning. The City recognizes the importance of building resilience in the community to future climate change—related impacts through climate adaptation. Through “adaptation planning” the City is undertaking a process of identifying climate risks and opportunities, assessing the options to manage these risks and opportunities, and implementing actions to sustain and even improve the community’s quality of life. The City has also developed a Climate Action Plan Consistency Review Checklist, in conjunction with the CAP, to provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

1.2 SUMMARY OF FINDINGS

Chapter 3, "Environmental Checklist," of the draft IS/MND contains the analysis and discussion of potential environmental impacts of the proposed CAP. The analysis demonstrates that the proposed CAP would have either no impact or a less-than-significant impact for the following environmental topics:

- ▶ Aesthetics
- ▶ Agriculture and Forestry Resources
- ▶ Air Quality
- ▶ Biological Resources
- ▶ Energy
- ▶ Geology and Soils
- ▶ Greenhouse Gas Emissions
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Land Use and Planning
- ▶ Mineral Resources
- ▶ Noise
- ▶ Population and Housing
- ▶ Public Services
- ▶ Recreation
- ▶ Transportation
- ▶ Utilities and Service Systems
- ▶ Wildfire

Chapter 3 finds that there are potentially significant impacts to Cultural Resources and Tribal Cultural Resources. With included mitigation measures, these impacts would be clearly reduced to a less-than-significant level.

1.3 DOCUMENT ORGANIZATION

This Responses to Comments (RTC) Memorandum is organized as follows:

Chapter 1, "Introduction," describes the purpose of the RTC Memorandum, summarizes the project and the major conclusions of the draft IS/MND, and describes the content of the RTC Memorandum.

Chapter 2, "Responses to Comments," contains a list of all parties who submitted comments on the draft IS/MND during the public review period, copies of the comment letters received, and responses to the comments.

Chapter 3, "Revisions to the IS/MND," presents revisions to the draft IS/MND text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by double underline where text is added.

Chapter 4, "Mitigation Monitoring and Reporting Program," contains a list of mitigation measures identified to reduce potential significant impacts to a less than significant level.

Chapter 5, "References," identifies the documents used as sources for the analysis.

Chapter 6, "List of Preparers," identifies the lead agency contacts as well as the preparers of this RTC Memorandum.

2 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the draft IS/MND, which concluded on July 31, 2020. Consistent with State CEQA Guidelines Section 15074(d), the City of Escondido (City) has considered all comments received on the draft IS/MND. CEQA does not require the lead agency to prepare responses to public comments received on a Negative Declaration or MND; however, the City has prepared this document to disclose all public and agency comment received and provide good-faith responses to those comments.

2.1 LIST OF COMMENTERS ON THE DRAFT IS/MND

Two comment letters were received on the draft IS/MND during the public review period. All of the comment letters are provided and responded to in chronological order by the date there were received, refer to Table 2-1 for an overview. Specific comments from each comment letter are included below with responses from the City.

Table 2-1 List of Commenters

Letter No.	Commenter	Date
1	Susan Howell California Department of Fish and Wildlife	July 30, 2020
2	Maurice Eaton California Department of Transportation	July 30, 2020

2.1.1 Comments and Responses

The written individual comments received on the draft IS/MND and the responses to those comments are provided below. The comment letters are reproduced in their entirety and are followed by the responses.

Letter 1	California Department of Fish and Wildlife Susan Howell July 31, 2020
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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 30, 2020

Mike Strong
 Assistant Director of Planning
 City of Escondido
 City Hall, First Floor
 201 North Broadway
 Escondido, CA 92025
mstrong@escondido.org

**Subject: Climate Action Plan Update Project
 MITIGATED NEGATIVE DECLARATION (MND)
 SCH#2020079003, City of Escondido**

Dear Mr. Strong:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Mitigated Negative Declaration (MND) for the City of Escondido Climate Action Plan Update (Project). The Project's supporting documentation includes *the Draft Climate Action Plan Update and Public Review Documents (posted June 25, 2020)*.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources. The Department also administers the Natural Community Conservation Planning program (NCCP).

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by state law, of any

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species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

PROJECT DESCRIPTION AND SUMMARY

Proponent: The City of Escondido (City)

Objective: The City proposes to adopt the Climate Action Plan Update (CAP). The CAP was originally created and adopted by the City in 2013 in response to the California Global Warming Solutions Act (Assembly Bill ["AB"] 32) of 2006, which established the state's first target to reduce GHG emissions and set a goal of lowering emissions to 1990 levels by 2020. The CAP established a comprehensive framework to reduce greenhouse gas (GHG) emissions in the City. In 2016, Governor Brown signed Senate Bill ("SB") 32 into law, which established a new mid-term GHG reduction target of 40 percent below 1990 levels by 2030.

The proposed CAP update identifies the following nine strategies and measures to reduce GHG emissions citywide from a variety of emissions categories: 1) Increase the Use of Zero-Emission or Alternative Fuel Vehicles; 2) Reduce Fossil Fuel Use; 3) Reduce Vehicle Miles Traveled; 4) Increase Building Energy Efficiency Strategy; 5) Increase Renewable and Zero-Carbon Energy; 6) Increase Water Efficiency; 7) Diversify Local Water Supply; 8) Reduce and Recycle Solid Waste; and 9) Carbon Sequestration and Land Conservation. The CAP update does not include any development proposals and would not directly result in physical environmental effects from the construction or operation of facilities. Future projects resulting from implementation of GHG reduction measures might involve minor grading, excavation, and other ground disturbance and would primarily occur in already disturbed or developed areas such as roadways and parking lots.

Location: The City is in northern San Diego County ("North County"), approximately 30 miles north of Downtown San Diego and 18 miles east of the Pacific Ocean. The City includes approximately 37.5 square miles within the incorporated boundary, and approximately 68 square miles within the city's sphere of influence. Escondido is bounded on the north by the unincorporated communities of Valley Center and Hidden Meadows, on the west by the City of San Marcos, on the south by Lake Hodges and the City of San Diego, and on the east by unincorporated San Diego County. Interstate 15 bisects Escondido in a north-south direction and State Route 78 transitions from freeway to surface streets in an east-west direction through the community. The planning area for the CAP includes the portion within the incorporated area only.

Biological Setting: The Multiple Habitat Conservation Program (MHCP), adopted by San Diego Association of Governments (SANDAG) in 2003, is a comprehensive, multiple jurisdictional sub-regional habitat planning program designed for north western San Diego County. The City of Escondido is included in the MHCP study area for which SANDAG, in cooperation with the City of Escondido, created a Draft Escondido Subarea Plan (SAP). The subarea plans describe specific biological conservation policies each city agrees to institute to implement the MHCP. The public review draft of the Escondido SAP was released in 2001; however, the subarea plan was not adopted by the City. The subarea plan covers the entire City

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boundary and approximately 3,000 acres of unincorporated County land within the City's sphere of influence. Though the Draft SAP has not been adopted, the City complies with the conservation policies identified in the MHCP through use of the Draft SAP as an implementation tool.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Comment #1: Impacts to nesting birds

Issue: Impacts to nesting birds.

Specific Impact: Impacts to nesting birds could result from construction and ground disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats.

Why the Impact Would Occur: Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats.

Evidence the Impact Would be Significant: Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Recommended Potentially Feasible Mitigation Measure

Mitigation Measure #1: To protect nesting birds that may occur on site or adjacent to the Project boundary, no construction shall occur from February 15 through August 31 (January 1 for raptors). If Project activities cannot be voided from February 15 through August 31 a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. Surveys shall be conducted by a qualified biologist no more than 14 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 14 days during the breeding season, the surveys will be repeated. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests or active

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listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Buffers shall be increased if needed to protect active nests.

II. Editorial Comments and/or Suggestions

Comment #2: Future Projects – Environmental Review

The draft CAP outlines guidelines and strategies for reduction of GHG emissions, but the plan itself does not include any development proposals or directly result in any projects with physical impacts to the environment. Future implementation of the strategies in the updated CAP is anticipated to include projects that would involve ground disturbing activities, including minor grading, excavation, and other ground disturbance that would occur during the construction of new electric vehicle (EV) charging infrastructure, photovoltaic systems, roundabouts, bicycle and pedestrian infrastructure, and transit stop shelters, as well as tree planting at new developments, city facilities, public parks, and along rights-of-way.

Future implementation of the strategies in the updated CAP is anticipated to include projects that would involve ground disturbing activities, including minor grading, excavation, and other ground disturbance that would occur during the construction of new electric vehicle (EV) charging infrastructure, photovoltaic systems, roundabouts, bicycle and pedestrian infrastructure, and transit stop shelters, as well as tree planting at new developments, city facilities, public parks, and along rights-of-way.

As stated in the draft MND, implementation of GHG reduction measures that would involve ground disturbing activities, including grading and excavation, could, depending on their location, result in substantial adverse direct and indirect effects to special-status species, including injury, mortality, habitat modification, and disturbance. However, given the nature of the GHG reduction measures, construction activities associated with their implementation are anticipated to occur in already disturbed or developed areas such as roadways and parking lots.

CDFW concurs with the process described in the draft MND for review of subsequent projects that would occur under implementation of the updated CAP. As outlined in the draft MND:

- a) future projects would be required to comply with General Plan Policy 1.5, which directs the City to require that a qualified professional conduct a survey for proposed development projects located in areas potentially containing significant biological resources;
- b) projects would be required to comply with existing federal and State regulations that protect conserve, protect, and preserve special-status species, and their habitat, and undergo the City's discretionary review process, where applicable, including completion of subsequent project-level planning and environmental review under CEQA;
- c) compliance with the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and California Fish and Game Codes would minimize project

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- specific impacts and protect special-status species and their habitats;
- d) projects would be required to comply with state and local regulations that protect wetlands, including section 1600 *et seq.* of the Fish and Game Code. As per section 1600, if avoidance is not feasible the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600; and,
 - e) though the MHCP Draft San Escondido SAP has not been adopted, the City complies with the conservation policies identified in the MHCP through use of the as an implementation tool. The SAP covers the entire City boundary and approximately 3,000 acres of unincorporated County land within the City's sphere of influence. The planning area for the CAP includes the portion within the incorporated area only. Further, implementation of GHG reduction measures that would involve ground disturbing activities, including grading and excavation, would occur in already disturbed, developed areas such as roadways and parking lots. Therefore, GHG reduction measures are not anticipated to conflict with provisions of the MHCP.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter and further

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coordination on these issues should be directed to Meredith Osborne, Environmental Scientist,
at Meredith.Osborne@wildlife.ca.gov or (858) 636-3163.

Sincerely,

DocuSigned by:


Erinn Wilson

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Erinn Wilson
Environmental Program Manager I

ec: CDFW
Susan Howell – San Diego
CEQA Program Coordinator - Sacramento

State Clearinghouse

Attachments:
Attachment A: Recommended Mitigation Measures

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Attachment A: Recommended Mitigation Measures

<p>Impact to nesting birds</p>	<p>Mitigation Measure #1</p>	<p>To protect nesting birds that may occur on site or adjacent to the Project boundary, no construction shall occur from February 15 through August 31 (January 1 for raptors). If Project activities cannot be voided from February 15 through August 31 a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. Surveys shall be conducted by a qualified biologist no more than 14 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 14 days during the breeding season, the surveys will be repeated. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests or active listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Buffers shall be increased if needed to protect active nests</p>
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CITY RESPONSE TO LETTER 1

The commenter recommends that Section 3.4, "Biological Resources," Criterion (a) be revised to discuss potential direct and indirect impacts to nesting birds from ground disturbing activities during implementation of GHG reduction measures. As noted in the draft IS/MND, the Multiple Habitat Conservation Program (MHCP) adopted by San Diego Association of Governments (SANDAG) in 2003, is a comprehensive, multiple jurisdictional sub-regional habitat planning program designed for north western San Diego County. The City of Escondido is included in the MHCP study area for which SANDAG, in cooperation with the City of Escondido, created a Draft Escondido Subarea Plan (City of Escondido 2001). The Draft Escondido Subarea Plan covers the entire City boundary and approximately 3,000 acres of unincorporated County land within the City's sphere of influence. The City has not adopted the Draft Escondido Subarea Plan; however, the City complies with the conservation policies identified in the MHCP through use of the Draft San Escondido Subarea Plan as an implementation tool. As discussed in Section 6.3.3, of the Draft Escondido Subarea Plan, the goal of Interim Resource Protection is to prevent important habitat areas and species from being lost to clearing, conversion, or development in the time period between signing of the Implementing Agreement (IA) and city action to adopt the General Plan update. The City adopted the General Plan update in May 2012; however, because the City has not formally adopted the Draft Escondido Subarea Plan, the terms of the Interim Resource Protection are still applicable. Accordingly, the City of Escondido is required to implement the Interim Resource Protection Checklist which requires the following when reviewing all development proposals:

- ▶ Applicant submits complete development application package including most recent biological resource documentation.
- ▶ City reviews project relative to subarea plan and existing MHCP biological database information as a part of CEQA review
- ▶ City determines whether biological surveys and resource documentation require updating.
- ▶ City reviews project relative to existing General Plan and policies, ordinances, and updates that are proposed for adoption by City Council.

Compliance with the Interim Resource Protection Checklist and General Plan Policy 1.7 which directs the City to require that a qualified professional conduct a survey for proposed development projects located in areas potentially containing significant biological resources to determine their presence and significance, would minimize project specific impacts to nesting birds. The draft IS/MND has been revised to include a discussion regarding the City's compliance with the Interim Resource Protection Checklist. Please refer to Chapter 3, "Revisions to the Draft IS/MND," for revised text.

**Letter
2**

California Department of Transportation
Maurice Eaton
July 30, 2020

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-240
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*Making Conservation
a California Way of Life.*

July 30, 2020

11-SD-78

11-SD-15

City of Escondido 2020 Climate Action Plan
IS/MND/SCH #2020079003

Mr. Michael Strong
Assistant Planning Director
City of Escondido Community Development Department
201 North Broadway
Escondido, CA 92025

Dear Mr. Strong:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the City of Escondido 2020 Climate Action Plan (CAP) Initial Study/Mitigated Negative Declaration (IS/MND) (SCH # 2020079003) for the City of Escondido as it relates to Interstate 15 (I-15) and State Route 78 (SR-78). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Overall, the CAP appears to be consistent with Caltrans Sustainability initiatives and policies.

Caltrans recommends collaboration between our agency and the City of Escondido on the proposed transportation related strategies, measures, and actions outlined in the CAP Update and associated IS/MND. Caltrans routes (interstate and highway) fall within the City of Escondido and Caltrans Local Assistance regularly aids City projects with federal funding. Transportation projects within the City pose excellent opportunities to employ strategies, measures, and actions outlined in the CAP that are also consistent with Caltrans Sustainability initiatives. Additionally, Caltrans and the City of Escondido may be

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to enhance California's economy and livability"*

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able to collaborate on a local and regional level regarding emergency preparedness and evacuation routes (extreme weather and wildfires).

Caltrans D11 Vulnerability Assessment Summary and Technical Report (<https://transplanning.onramp.dot.ca.gov/climate-change-vulnerability-assessments-0>) are available for the City to utilize in their CAP implementation.

Caltrans recommends considering the addition of teleworking discussions regarding vehicle miles traveled (VMT).

Consider Including effects of COVID-19, with respect to the dates proposed in the measures. Are the dates still attainable?

In Section 5.3 of the Plan, many of the strategies place additional requirements and costs on development, including residential developments. Consider addressing the impacts on housing affordability, inclusive of the City's economically vulnerable populations.

Multi-Modal Transportation / Complete Streets

Caltrans supports strategies and measures described in the City of Escondido CAP. Caltrans recognizes there is a strong link between building an efficient multi-modal transportation system that helps reduce greenhouse gas emissions and improving climate change resiliency. Caltrans supports collaboration with local agencies to work towards a safe, sustainable, interconnected, multi-modal transportation system integrated through efficient land use patterns that affect both local vehicle miles traveled and the number of trips.

Caltrans has ongoing efforts to expand its Zero Emission Vehicle fleet and install Electric Vehicle Charging stations. Early coordination for these types of efforts is encouraged when considering improvements that may encroach Caltrans Right of Way (R/W). Caltrans commends the City's strategy to reduce GHG through the installation of electric vehicle charging infrastructure at the City's Park and Ride facilities. Caltrans encourages the City to take advantage of infrastructure funding opportunities as they become available.

Caltrans is in the process of developing its first District Active Transportation Plan. The Caltrans Active Transportation (CAT) Plan will refer to available planning documents such as local active transportation plans or safe routes to school

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plans to identify location-based needs. Also, to reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City of Escondido to evaluate potential of Active Transportation or Complete Streets projects. For more information regarding the District 11 CAT Plan, please contact Vanessa De La Rosa at vanessa.delarosa@dot.ca.gov.

If you have any questions, please contact Mark McCumsey at (619) 688-6802 or by email at mark.mccumsey@dot.ca.gov.

Sincerely,

electronically signed by

MAURICE EATON, Branch Chief
Local Development and Intergovernmental Review Branch

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

CITY RESPONSE TO LETTER 2

The commenter notes that the CAP Update appears to be consistent with the California Department of Transportation (Caltrans) Sustainability initiatives and policies. The commenter also recommends that the City collaborate with Caltrans to implement related strategies, measures, and actions outlined in the CAP Update. This comment does not question the adequacy of the environmental analysis within the draft IS/MND, rather it requests follow-up conversation with the City to discuss potential collaboration opportunities. The comment is noted, and no further response is necessary.

2.2 COMMENTS ON THE CAP UPDATE

Comments received on the CAP Update requested editorial revisions to GHG reduction measures. Pursuant to State CEQA Guidelines Section 15073.5, a lead agency is required to recirculate when the document must be substantially revised after public notice. A substantial revision is defined as follows:

- ▶ A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- ▶ The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

Recirculation is not required when project revisions are added in response to written or verbal comments on the project's effects identified in the Negative Declaration or IS/MND which are not new avoidable significant effects.

The requested revisions and their potential to constitute a substantial revision pursuant to State CEQA Guidelines Section 15073.5 are identified in Table 2-1. Text deletions are shown in ~~striketrough~~, and text additions are shown in double underline. The City of Escondido, as the lead agency, may consider the requested editorial revisions to GHG reduction measures prior to adoption and implementation of the proposed CAP.

Strategies and Measures	City Action	Potential to Constitute a Substantial Revision
Transportation		
Strategy 1: Increase the Use of Zero-Emission or Alternative Fuel Vehicles		
T-1. 3: Adopt an Ordinance to Require Electric Vehicle Charging Stations at New Developments <u>and existing commercial parking lots of 20 spaces or more</u>	This GHG reduction measure would require the City to adopt an ordinance, effective in 2023 that requires EV charging stations, Level 2 or better, to be installed in a minimum of 10 percent of total parking spaces provided in new multi-family and commercial developments <u>and in 25 percent of existing commercial parking lots of 20 spaces or more.</u>	The potential revision to GHG reduction measure T-1.3 would require the installation of EV charging stations in commercial parking lots with 20 spaces or more. Potential impacts from installation of EV charging stations are evaluated within applicable sections of Chapter 3, "Environmental Checklist" of the draft IS/MND. The revision to GHG reduction measure T-1.3 are considered insignificant modifications and would not constitute a "substantial revision" as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.
T-1. 4: Require Electric Vehicle Charging Stations at <u>Single Family New Model</u> Home Developments	This GHG reduction measure would require the City to adopt an ordinance, effective in 2021, requiring new developments to encourage EV charging station installation in new homes by: <ul style="list-style-type: none"> ▶ installing at least one EV charging station in new single-family and townhouse model-homes; ▶ including EV charging stations as an add-on option to new homebuyers in model home subdivisions; and ▶ working with the City to waive permitting and installation fees for EV charging stations in these subdivisions. 	The potential revision to GHG reduction measure T-1.4 would require the installation of EV charging stations at new single-family and townhouse homes and include EV charging stations as an add-on option at home subdivisions. Potential impacts from installation of EV charging stations are evaluated within applicable sections of Chapter 3, "Environmental Checklist" of the draft IS/MND. The revisions to GHG reduction measure T-1.4 are considered insignificant modifications and would not constitute a "substantial revision" as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.
Strategy 2: Reduce Fossil Fuel Use		
T-2.3: Increase Renewable or Alternative Fuel Construction Equipment	This GHG reduction would require the City to adopt an ordinance, effective in 2023, requiring new developments <u>and significant land-moving and construction projects</u> to use electric-powered or alternatively-fueled construction equipment.	The potential revision to GHG reduction measure T-2.3 would result in the conversion of construction equipment to cleaner fuel sources for use during construction of new developments and significant land-moving and construction projects. No direct physical impacts would result from this measure, but fuel consumption would shift from carbon-based fuels to renewable and/or alternative fuel. Potential impacts are evaluated within applicable sections of Chapter 3, "Environmental Checklist" of the draft IS/MND. The revision to GHG reduction measure T-2.3 are

Strategies and Measures	City Action	Potential to Constitute a Substantial Revision
		<p>considered insignificant modifications and would not constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
<p>Strategy 3: Reduce Vehicle Miles Traveled</p>		
<p>T-3.5: Update Bicycle Master Plan</p>	<p>This GHG reduction measure would require the City to update the City’s Bicycle Master Plan and install new or improve existing Class II or better bicycle lanes <u>and implement significant upgrades to the Escondido Creek Bike Path to improve safety, usability, and as an urban greening asset.</u></p>	<p>The potential revision to GHG reduction Measure T-3.5 would require the City to implement upgrades along the Escondido Creek Bike Path. Potential impacts from installation of new bike lanes within the existing network are evaluated within applicable sections of Chapter 3, “Environmental Checklist” of the draft IS/MND. The revision to GHG reduction measure T-3.5 are considered insignificant modifications and would not constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
<p>T-3.6: Increase Transit Commuters Among New Downtown Residents.</p>	<p>This GHG reduction measure would require the City to increase the number of commuters using transit from new residential developments within the Downtown Specific Plan area by:</p> <ul style="list-style-type: none"> ▶ implementing smart growth policies consistent with the Downtown Specific Plan; ▶ <u>pursue State grants such as the Affordable Housing and Sustainable Communities grants to support affordable housing projects near public transit centers.</u> ▶ requiring projects to provide six-month transit passes to new residents if proposing any reduction in parking over 15 percent of required amount; ▶ <u>develop approach to allow flexibility for high-density, transit-oriented developers to adjust parking standards under specific conditions;</u> ▶ <u>adopt an inclusionary housing ordinance and infill policies to ensure range of housing in urban core;</u> ▶ <u>coordinate larger citywide policies to densify key areas for mobility access;</u> ▶ <u>give greater weight to investing in improvements to transportation infrastructure that serve priority neighborhoods;</u> ▶ developing a Safe Routes to Transit plan; ▶ implementing projects identified through the Safe Routes to Transit plan; and 	<p>The potential revisions to GHG reduction measure T-3.6 would require the City to allow developers to adjust parking standards, invest in transportation improvements, adopt an inclusionary housing ordinance, and coordinate citywide policies to densify key areas for mobility access.</p> <p>Proposed revisions that would require the City to implement policies that would increase the number of commuters using transit within the Downtown Specific Plan area are evaluated within applicable sections of Chapter 3, “Environmental Checklist” of draft IS/MND. However, proposed revisions that would result in the adoption of an inclusionary housing ordinance could result in housing development. Chapter 3, “Environmental Checklist” of draft IS/MND did not evaluate impacts related to construction of housing near transit centers. CEQA requires looking at the whole of the action, and the adoption of an inclusionary housing ordinance to cause a reasonably foreseeable indirect environmental change requires treatment of the future ordinance as a project component and proceeding to the next steps of the</p>

Strategies and Measures	City Action	Potential to Constitute a Substantial Revision
	<ul style="list-style-type: none"> ▶ requiring projects to monitor transit use by new residents for the first six months of operation and present monitoring results to the City. 	<p>CEQA analysis. This suggested edit would not be covered by the draft IS/MND and would constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5.</p>
<p>T-3.7: Develop an Intra-City Shuttle Program</p>	<ul style="list-style-type: none"> ▶ This GHG reduction measure would require the City to assess the feasibility of and implement an intra-city shuttle system that includes: <ul style="list-style-type: none"> ▪ two or more routes; ▪ connects activities centers within the city; ▪ <u>designed to increase mobility first within Downtown/South Centre City Specific Plan, and priority neighborhood areas;</u> ▪ routes that do not directly overlap existing transit service routes; and ▪ high-frequency service (headways of 10-minutes or less) during peak commute periods. ▶ <u>Commit to an electric-shuttle for the first mile, last mile that connects PINs, downtown and other key areas to the transit station and to shopping areas in the urban core.</u> ▶ <u>Develop partnerships and funding program such as development fees, SANDAG partnership, State funds, and CCE investment area.</u> 	<p>The potential revisions to GHG reduction measure T-3.7 would result in the provision of an electric shuttle and funding programs to support an intra-city shuttle system. Potential impacts from implementing s shuttle system are evaluated within applicable sections of Chapter 3, “Environmental Checklist” of draft IS/MND. The revisions to GHG reduction measure T-1.3 are considered insignificant modifications and would not constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
<p>Energy</p>		
<p>Strategy 4: Increase Building Energy Efficiency</p>		
<p>E-4.1: Require New Residential Developments to Install Alternatively-Fueled Water Heaters.</p>	<p>This GHG reduction measure would require the City to adopt an ordinance, effective in 2023, requiring all new single-family and multi-family residential projects <u>and substantial remodels</u> to install electric heat pump water heaters.</p>	<p>The potential revision to GHG reduction measure E-4.1 would result in the installation of electric heat pump water heaters in significant home remodels. The required improvements would be installed within the interior of the proposed structure and would not result in exterior physical changes to the environment. No direct physical impacts to the environment would result from implementation of this measure but would require the City to adopt and implement an ordinance that could increase energy usage. Potential impacts from the installation of electric heat pump water heaters are evaluated within applicable sections of Chapter 3, “Environmental Checklist” of the draft IS/MND. The revision to GHG reduction measure T-4.1 are considered insignificant modifications and would not constitute a “substantial revision” as defined by</p>

Strategies and Measures	City Action	Potential to Constitute a Substantial Revision
<p>E-4.2: Require New Multi-Family Residential Developments to Install Electric Cooking Appliances</p>	<p>This GHG reduction measure would require the City to adopt an ordinance, effective in 2023, requiring all new multi-family residential units <u>and substantial remodels</u> to install only electric cooking appliances.</p>	<p>CEQA Guidelines Section 15073.5. No further environmental review would be required.</p> <p>The potential revision to GHG reduction measure E-4.2 would result in the installation of electric cooking appliances in significant home remodels. The required improvements would be installed within the interior of the proposed structure and would not result in exterior physical changes to the environment. No direct physical impacts to the environment would result from implementation of this measure but would require the City to adopt and implement an ordinance that could increase energy usage. Potential impacts from the installation of electric cooking appliances are evaluated within applicable sections of Chapter 3, "Environmental Checklist" of the draft IS/MND. The revision to GHG reduction measure T-4.2 are considered insignificant modifications and would not constitute a "substantial revision" as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
<p>Strategy 5: Increase Renewable and Zero Carbon Energy</p>		
<p>E-5.2: Require New Commercial Developments to Achieve Zero Net Energy</p>	<p>This GHG reduction measure would require the City to adopt an ordinance, effective in 2023, requiring all new commercial <u>and single-family</u> developments to achieve zero net energy.</p>	<p>The potential revision to E-5.2 could result in the installation of energy generating facilities, including roof-mounted or ground-mounted PV systems, in single-family developments. Potential impacts from the installation of PV systems are evaluated within applicable sections of Chapter 3, "Environmental Checklist" of the draft IS/MND. The revision to GHG reduction measure T-5.2 are considered insignificant modifications and would not constitute a "substantial revision" as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
<p><u>E-5.5: Establish a Clean Energy Equity Plan and goals for non-city PV systems</u></p>	<p><u>This GHG reduction measure would require the City adopt an Energy Equity Plan to facilitate and encourage clean energy development and access in priority neighborhoods, for low-income residents, and for small organizations to improve equitable access to clean renewable energy. Program to include specific goals for</u></p>	<p>This measure would result in installation of ground-mounted or roof-mounted PV solar facilities in residential and commercial development. Potential impacts from the installation of PV systems are</p>

Strategies and Measures	City Action	Potential to Constitute a Substantial Revision
	<p><u>rental and homeowner PV systems, EV ownership for residents in priority neighborhoods, creation of green jobs and local hire requirements, water efficiency, existing home retrofit program.</u></p>	<p>evaluated within applicable sections of Chapter 3, “Environmental Checklist” of the draft IS/MND. GHG reduction measure E-5.5 does would constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
<p>Water and Wastewater</p>		
<p>Strategy 6: Increase Water Efficiency</p>		
<p>W-6.2: Reduce Landscape Water Consumption at New Model Home Developments <u>and existing residential development.</u></p>	<p>This GHG reduction measure would require the City to adopt an ordinance, effective in 2022, that reduces water consumed for landscaping at new single-family and townhome model developments by:</p> <ul style="list-style-type: none"> ▶ requiring all single-family and townhouse model homes to be fully equipped with greywater systems and rain barrels (or other rainwater capture systems) and ▶ requiring model home developers to offer greywater systems and rain barrels (or other rainwater capture systems) as an add-on option. 	<p>The potential revision to GHG reduction measure W-6.2 would require the City to adopt an ordinance to reduce outdoor water use for landscape irrigation at new single-family, townhome developments, and existing residential development. No direct physical impacts would result from implementation of this measure but would require the City to adopt and implement an ordinance that would reduce water consumption. Potential impacts from the reduction of water consumption are evaluated within applicable sections of Chapter 3, “Environmental Checklist” of draft IS/MND. The revision to GHG reduction measure W-6.2 are considered insignificant modifications and would not constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
<p><u>W-6.3: Reduce Residential and Commercial Water Consumption</u></p>	<p><u>This GHG reduction measure would require the City to develop a program to reduce residential and commercial water consumption by:</u></p> <ul style="list-style-type: none"> ▶ <u>supporting existing programs to offset costs of landscape conversion to drought tolerant native plants;</u> ▶ <u>providing free rainwater capture barrels for low income households;</u> ▶ <u>developing water efficiency inspections free upon request and required at sale or new rental occupancy for home plumbing and irrigation; and</u> ▶ <u>developing regular audit and inspections for water efficiency for plumbing and landscaping for commercial buildings.</u> 	<p>GHG reduction measure W-6.3 would require the City to adopt an ordinance to reduce outdoor water use for landscape irrigation at existing residential and commercial development. No direct physical impacts would result from implementation of this measure but would require the City to adopt and implement an ordinance that would reduce water consumption. Potential impacts from the reduction of water consumption are evaluated within applicable sections of Chapter 3, “Environmental Checklist” of draft IS/MND. GHG reduction measure W-6.3 would not constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>

Strategies and Measures	City Action	Potential to Constitute a Substantial Revision
Solid Waste		
Strategy 8: Reduce and Recycle Solid Waste		
S-8.1: Increase Citywide Waste Diversion	<p>This GHG reduction measure would require the City to increase citywide waste diversion by:</p> <ul style="list-style-type: none"> ▶ working with the City’s franchise waste hauler to prepare a waste diversion plan that identifies steps toward achieving the 2035 waste diversion goal; ▶ adopting and implementing an organic waste recycling program to support regional efforts that includes a food scrap composting program and fully permitted community compost facilities; ▶ adopting a composting and waste diversion ordinance, effective in 2023, to support at-home management of food waste; <u>and</u> ▶ <u>adopting and implementing a single-use plastics reduction ordinance and polystyrene ban with phased implementation.</u> 	<p>The potential revision to GHG reduction measure S-8.1 would require the City to adopt and implement a single-use plastics reduction ordinance and polystyrene ban. Potential impacts from waste diversion are evaluated within applicable sections of Chapter 3, “Environmental Checklist” of the draft IS/MND. The revision to GHG reduction measure S-8.1 are considered insignificant modifications and would not constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
Carbon Sequestration		
Strategy 9: Carbon Sequestration and Land Conservation		
C-9.1: Enforce Landscape Tree Requirement at New Developments	<p>This GHG reduction measure would require the City to adopt an updated landscape ordinance, effective in 2022, to increase the number of new trees planted at new developments by requiring:</p> <ul style="list-style-type: none"> ▶ non-residential developments to plant a minimum of one <u>non-invasive</u> tree for every four parking spaces and new single-family; ▶ and multi-family residential developments to plant a minimum of one <u>non-invasive</u> tree per unit. 	<p>The potential revision to GHG reduction measure C-9.1 would increase non-invasive tree planting. This could result in increased emissions and potential physical impacts. Potential impacts from increased tree planting are evaluated within applicable sections of Chapter 3, “Environmental Checklist” of the draft IS/MND. The revision to GHG reduction measure C-9.1 are considered insignificant modifications and would not constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>
C-9.3: Develop and Agricultural Land and Open Space Conservation Program	<p>This GHG reduction measure would require the City to develop programs and policies that would conserve agricultural land and open space, including:</p> <ul style="list-style-type: none"> ▶ Developing an Agricultural Land and Open Space Conservation Program that allow developers to preserve lands and/or increase residential development density in smart growth infill areas by removing development potential of lands. ▶ Adopting a Community Gardening Ordinance, effective in 2023, that incorporates an annexation conservation policy. 	<p>The potential revisions to GHG reduction measure C-9.3 would require the city to develop programs that conserve natural areas, restore riparian habitat, and pursue agricultural land management practices. No direct physical impacts would result from implementation of this measure but would require the City to implement programs and policies to conserve agricultural land and open space. Potential impacts from land preservation are evaluated within applicable</p>

Strategies and Measures	City Action	Potential to Constitute a Substantial Revision
	<ul style="list-style-type: none"> ▶ Adopting a Williamson Act incentive program, effective in 2022, to encourage the continuation of agricultural operations. ▶ Adopting an Open Space Conservation program, effective in 2023, that requires <u>75-90 percent of annexed lands to be conserved. Include policies for conservation of key natural habitat areas and agricultural lands by increasing goals and metrics for 'avoided conversion' through preservation and restoration for habitat and agricultural lands. Partner with SANDAG and other agencies for funding for acquisition and management of lands conserved for habitat protection and agricultural use</u> <p><u>By 2023, Develop a Riparian Restoration Initiative that supports collaboration with the California Department of Fish & Wildlife and other conservation groups to prioritize opportunities for the restoration of Escondido Creek and Reidy Creek—including the channelized portions—for carbon sequestration, heat relief in priority neighborhoods, water quality improvements, and wildlife habitat mitigation.</u></p> <ul style="list-style-type: none"> ▶ <u>Investigate incentives and programs for “carbon farming” to reduce GHGs and protect a Escondido agriculture such as the state Office of Environmental Farming and Innovation and other programs.</u> ▶ <u>Pursue eligible Agricultural management practices and subsequent funding via the CDFA Healthy Soils Funding Program</u> 	<p>sections of Chapter 3, “Environmental Checklist” of draft IS/MND. The revisions to GHG reduction measure C-9.3 are considered insignificant modifications and would not constitute a “substantial revision” as defined by CEQA Guidelines Section 15073.5. No further environmental review would be required.</p>

3 REVISIONS TO THE DRAFT IS/MND

This chapter presents specific text changes made to the draft IS/MND since its publication and public review. The changes are presented in the order in which they appear in the original draft IS/MND and are identified by page number. Text deletions are shown in ~~strike through~~, and text additions are shown in double underline.

This chapter makes minor clarifications to the draft IS/MND and does not alter the analysis, conclusions, or mitigation measures. These changes are considered insignificant modifications and do not constitute a “substantial revision” as defined by California Environmental Quality Act (CEQA) Guidelines Section 15073.5. Recirculation of the IS/MND is not required.

3.1 REVISIONS TO SECTION 3.4, “BIOLOGICAL RESOURCES”

As suggested in Letter 1 submitted by California Department of Fish and Wildlife (CDFW), criterion (a) on page 3-20 is revised as follows:

Implementation of GHG reduction measures that would involve ground disturbing activities, including grading and excavation, could, depending on their location, result in substantial adverse direct and indirect effects to special-status species, including injury, mortality, habitat modification, and disturbance. For example, minor grading, excavation, and other ground disturbance would occur during the construction of new electric vehicle (EV) charging infrastructure (T-1.1, T-1.2, T-1.3, and T-1.4), photovoltaic systems (E-5.1, E-5.2, and E-5.4), roundabouts, bicycle and pedestrian infrastructure, and transit stop shelters (T-2.2, T-3.2, T-3.3, T-3.5, T-3.7, A2.4), and also tree planting at new development, city facilities, public parks, and along rights-of-way (C-9.1, C-9.2, and A2.1). However, given the nature of the GHG reduction measures, construction activities associated with their implementation would occur in already disturbed, developed areas such as roadways and parking lots where candidate, sensitive, or special-status species or their habitats are not present. In addition, tree planting would occur within City parks, public rights-of-way, and new development projects. Further, future projects would be required to comply with General Plan Policy 1.7~~5~~, which directs the City to require that a qualified professional conduct a survey for proposed development projects located in areas potentially containing significant biological resources to determine their presence and significance. The survey shall address any flora or fauna of rare and/or endangered status, declining species, species and habitat types of unique or limited distribution, and/or visually prominent vegetation. General Plan Policy 1.8 directs the City to require proposed development projects to implement appropriate measures to minimize potential adverse impacts on sensitive habitat areas, such as buffering and setbacks.

The Multiple Habitat Conservation Program (MHCP) adopted by San Diego Association of Governments (SANDAG) in 2003, is a comprehensive, multiple jurisdictional sub-regional habitat planning program designed for north western San Diego County. The City of Escondido is included in the MHCP study area for which SANDAG, in cooperation with the City of Escondido, created a Draft Escondido Subarea Plan (City of Escondido 2001). The Draft Escondido Subarea Plan covers the entire City boundary and approximately 3,000 acres of unincorporated County land within the City’s sphere of influence. The City has not adopted the Draft Escondido Subarea Plan; however, the City complies with the conservation policies identified in the MHCP through use of the Draft San Escondido Subarea Plan as an implementation tool. As discussed in Section 6.3.3, of the Draft Escondido Subarea Plan, the goal of Interim Resource Protection is to prevent important habitat areas and species from being lost to clearing, conversion, or development in the time period between signing of the Implementing Agreement (IA) and city action to adopt the General Plan update. The City adopted the General Plan update in May 2012; however, because the City has not formally adopted the Draft Escondido Subarea Plan, the terms of the Interim Resource Protection are still applicable. Accordingly, the City of Escondido is required to implement the Interim Resource Protection Checklist which requires the City to implement the following process when reviewing all development proposals:

- ▶ Applicant submits complete development application package including most recent biological resource documentation.
- ▶ City reviews project relative to subarea plan and existing MHCP biological database information as a part of CEQA review
- ▶ City determines whether biological surveys and resource documentation require updating.
- ▶ City reviews project relative to existing General Plan and policies, ordinances, and updates that are proposed for adoption by City Council.

Projects would be required to comply with existing federal and State regulations that protect, conserve, protect, and preserve special-status species, and their habitat, and undergo the City's discretionary review process, where applicable, including completion of subsequent project-level planning and environmental review under CEQA that would ensure that identified resources are appropriately protected. Specifically, the federal Endangered Species Act (ESA) (16 U.S.C. section 1531 et seq.) regulates the taking of species listed in the ESA as threatened or endangered. In general, persons subject to ESA (including private parties) are prohibited from "taking" endangered or threatened fish and wildlife species on private property, and from "taking" endangered or threatened plants in areas under federal jurisdiction or in violation of State law. Pursuant to the California Endangered Species Act (CESA), a permit from CDFW is required for projects that could result in the "take" of a plant or animal species that is listed by the State as threatened or endangered. In addition, California Fish and Game Code sections 3511, 4700, 5050, and 5515 prohibit take or possession of fully protected species and do not provide for authorization of incidental take. Compliance with ESA, CESA, and California Fish and Game Codes, General Plan Policies, and the Interim Resource Protection Checklist would minimize project specific impacts and protect special-status species and their habitat. For all of the foregoing reasons implementation of the GHG reduction measures would not cause a substantial adverse direct and indirect effects to special-status species. Impacts would be **less than significant**.

4 MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines (PRC Section 21081.6 and State CEQA Guidelines Sections 15091[d] and 15097) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” A mitigation monitoring and reporting program (MMRP) is required for the proposed project because the Initial Study identifies potential significant adverse impacts related to the project implementation, and mitigation measure have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the CAP Update.

4.2 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner prior to implementation of the proposed ordinance. The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, mitigation measures (as amended through the Final IS/MND), monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the IS/MND. Mitigation measures that are referenced more than once in the Draft IS/MND are not duplicated in the MMRP table.

4.3 ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City of Escondido is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed.

Inquiries should be directed to:

Mike Strong, Assistant Director of Planning
City of Escondido, Planning Division
City Hall, First Floor
201 North Broadway
Escondido, CA 92025

4.4 REPORTING

The City of Escondido document and describe the compliance of the activity with the required mitigation measures either within the attached table or a separate monitoring documentation as part of processing applications under the proposed ordinance.

4.5 MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- ▶ Mitigation Measure – This column provides the verbatim text of the adopted mitigation measure
- ▶ Implementation Responsibility – This column identifies the party responsible for implementing the mitigation measure.
- ▶ Timing – This column identifies the time frame in which the mitigation will be implemented.
- ▶ Verification – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
Cultural and Tribal Cultural Resources			
<p>Mitigation Measure CR-1: Tribal Cultural Resource Treatment and Monitoring Agreement The City of Escondido Planning Division (“City”) recommends that the Applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (“TCA Tribe”) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities.</p>	<p>Project Applicant and City of Escondido Planning Division</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Escondido Planning Division verifies that Applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement with a TCA tribe.</p>
<p>Mitigation Measure CR-2: Retain a Qualified Archaeologist and Native American Monitor Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement a monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Project Applicant and City of Escondido Planning Division</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Escondido Planning Division verifies that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement a monitoring program.</p>
<p>Mitigation Measure CR-3: Attend Pre-Grading Meeting The qualified archaeologist and a Native American monitor shall attend a pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<p>Project Applicant and City of Escondido Planning Division</p>	<p>Prior to initiation of grading activities and during grading activities. During and frequency of on-site inspections shall be determined by the qualified archaeologist, in consultation with the Native American monitor</p>	<p>City of Escondido Planning Division verifies documentation of pre-grading meeting attendance and on-site monitoring</p>

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>Mitigation Measure CR-4: Temporarily Halt Ground Disturbance Operation In the event that previously unidentified archaeological and/or tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p>	<p>Project Applicant and City of Escondido Planning Division</p>	<p>During ground disturbing activities</p>	<p>City of Escondido Planning Division verifies preparation field survey schedule, documentation, and monitoring report</p>
<p>Mitigation Measure CR-5: Notify the City of Archaeological and/or Tribal Cultural Resource Discovery If a potentially significant archaeological and/or tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource’s treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.</p>	<p>Project Applicant and City of Escondido Planning Division</p>	<p>During ground disturbing activities</p>	<p>City of Escondido Planning Division verifies that occurrence of notification and consultation</p>
<p>Mitigation Measure CR-6: Avoidance and/or Preservation of Discovery The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p>	<p>Project Applicant and City of Escondido Planning Division, and Qualified Archaeologist</p>	<p>Discovery of a significant tribal cultural resources and/or unique archaeological resources</p>	<p>City of Escondido Planning Division verifies preparation of a design and data recovery program</p>
<p>Mitigation Measure CR-7: Collection and Treatment of Resources If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe’s cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection</p>	<p>City of Escondido Planning Division, Qualified Archaeologist, and Native American Monitor</p>	<p>Discovery of a significant tribal cultural resources and/or unique archaeological resources</p>	<p>City of Escondido Planning Division verifies occurrence of proper collection and treatment of resources</p>

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>			
<p>Mitigation Measure CR-8: Monitoring and/or Evaluation Report Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusion of the archaeological monitoring program and any data recovery program on the Project site, shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources</p>	<p>City of Escondido Planning Division and Qualified Archaeologist</p>	<p>Prior to the release of the grading bond</p>	<p>City of Escondido Planning Division verifies preparation of monitoring report and/or evaluation report</p>
<p>Mitigation Measure CR-9: Inadvertent Discovery of Human Remains As specified by California Health and Safety Code Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner’s office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code Section 5097.98. The Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on site in the presence of a Native American monitor.</p>	<p>Project Applicant and City of Escondido Planning Division</p>	<p>During grading activities</p>	<p>City of Escondido Planning Division verifies occurrence of identification and proper treatment of human remains</p>

5 REFERENCES

CHAPTER 1, INTRODUCTION

No references were used in this chapter.

CHAPTER 2, RESPONSES TO COMMENTS

City of Escondido. 2001 (June). *Public Review Draft Escondido Subarea Plan Implementing the Multiple Habitat Conservation Program*. Available: <https://www.escondido.org/draft-escondido-subarea-plan.aspx>. Accessed September 2020.

CHAPTER 3, REVISIONS TO THE DRAFT IS/MND

City of Escondido. 2001 (June). *Public Review Draft Escondido Subarea Plan Implementing the Multiple Habitat Conservation Program*. Available: <https://www.escondido.org/draft-escondido-subarea-plan.aspx>. Accessed September 2020.

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